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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,961	01/20/2001	James D. O'Brien	00-40023-US	9156

28977 7590 07/23/2004

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EXAMINER

LIN, KENNY S

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/23/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No

09/765,961

Applicant(s)

O'BRIEN, JAMES D.

Examiner

Kenny Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2154

DETAILED ACTION

1. Claims 1-13 are presented for examination.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it fails to fall within the range of 50 to 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack proper antecedence basis:

Art Unit: 2154

- i. Claim 8, line 3, a home repair topic (i.e., do you mean “a auto repair topic”?);
- ii. Claim 11, line 5, the home owner (i.e., do you mean “the user”?);
- iii. Claim 12, line 4, the home owner (i.e., do you mean “the user”?).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg et al (Hereinafter Gerszberg), US 5,970,473, in view of Gile et al (Hereinafter Gile), US 6,317,779.

8. As per claim 1, Gerszberg taught the invention substantially as claimed including a method for delivering home/auto/cook repair information to a home owner over a global computer network (col.7, lines 51-55, col.8, lines 12-29), comprising the steps of:

- a. Presenting the home owner with a first Internet web page that contains a first list of home repair topics (col.8, lines 12-43, col.9, lines 19-22, col.10, lines 27-32);
- b. Presenting the home owner, in response to selection by the home owner of a selected home repair topic from the first Internet web page, with at least one second Internet web page that contains a second list of home repair topics,

Art Unit: 2154

wherein the second set of home repair topics correspond to specific home repair topics associated with the home repair topic selected from the first web page (col.9, lines 19-39, col.10, lines 27-58).

9. Gerszberg did not specifically teach to download a video segment to a computer associated with the home owner in response to selection by the home owner from the second Internet web page. Gile taught to download selected video segment from the available services displayed on a browser to a computer associated with the home owner in response to selection by the home owner (col.2, lines 10-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gerszberg and Gile because Gile's teaching of downloading a video segment from the selected service enable Gerszberg's system to download video for later viewing if the selected service page contains downloadable videos clips.

10. As per claim 2, Gerszberg and Gile taught the invention substantially as claimed in claim 1. Gile further taught that wherein step c. comprises the step of: providing a preview video segment to a computer associated with the home owner in response to selection by the home owner of a home repair topic from the second Internet web page (col.3, lines 36-53); and after the home owner views the preview video segment, downloading a full-length video segment to a computer associated with the home owner if the home owner approves of such downloading after viewing of the preview, wherein the full-length video segment corresponds to the home repair topic selected from the second Internet web page (col.2, lines 10-17, col.3, lines 36-53). It would

Art Unit: 2154

have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gerszberg and Gile because Gile's teaching of previewing and downloading a video segment from the selected service enable Gerszberg's system to preview and download video regarding the requested service if the selected service page contains downloadable videos clips.

11. As per claim 3, Gerszberg and Gile taught the invention substantially as claimed in claim 2. Gerszberg further taught wherein step c. further comprises presenting the home owner with a third Internet web page that contains a list of materials required to complete the home repair topic selected from the second Internet web page (col.9, lines 34-42, col.10, lines 40-54).

12. Claims 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg and Gile as applied to claims 1-3 above, and further in view of "Official Notice".

13. As per claim 4, Gerszberg and Gile taught the invention substantially as claimed in claim 3. Gerszberg further taught wherein the list of materials includes a price associated with each item on the list of materials (col.10, lines 32-54). Gerszberg and Gile did not specifically teach the list of materials to include a quantity associated with the items. However, Gerszberg taught that the list of services are not limited and may be customer-configured based on specified preferences (col.8, lines 12-29). "Official Notice" is taken that it would have been obvious to include quantity column in the list of materials to show the availability of the material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

combine the teachings of Gerszberg, Gile and further include price and quantity of materials of a particular service in the web page for customers to compare prices and select desire quantity.

14. As per claim 5, Gerszberg and Gile taught the invention substantially as claimed in claim 4. Gerszberg further taught wherein, prior to step c., the home owner is prompted to enter a zip code associated with a geographic location of the home owner (col.8, lines 55-59), said method further comprising: d. retrieving from a database, in response to the zip code and the home repair topic selected from the second Internet web page, a list of suppliers in the geographic location of the home owner that can supply the home owner with each of the items on the list of materials required to complete the home repair topic selected from the second Internet web page (col.8, lines 12-31, 55-67, col.9, lines 1-7, 22-29).

15. As per claim 6, Gerszberg and Gile taught the invention substantially as claimed in claim 5. Gerszberg further taught to comprise: e. retrieving from a database, in response to the zip code and the home repair topic selected from the second Internet web page, a list of contractors in the geographic location of the home owner that can complete a home repair project associated with the home repair topic selected from the second Internet web page (col.8, lines 12-31, 55-67, col.9, lines 1-7, 22-29).

16. As per claims 7-13, since these claims contain the same scope as Claims 1-6, they are rejected under the same ground stated above. Furthermore as per claims 7-12, Gerszberg and Gile did not specifically teach that the repair is auto repair. As per claim 13, Gerszberg and Gile

Art Unit: 2154

did not specifically teach that the list is a list of cooking topics. However, Gerszberg taught that the list of services are not limited and may be customer-configured based on specified preferences (col.8, lines 12-43, col.9, lines 19-22, col.10, lines 27-32). "Official Notice" is taken that it would have been obvious to include in the list of services auto repairing, cooking and many other categories as well. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gerszberg and Gile and further include more categories of services in the list of services as suggested by Gerszberg to support more types of users.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Neil et al, US 6,339,644.

Lee, US 6,542,897.

Gardell et al, US 6,049,831.

18. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (703)305-0438. The examiner can normally be reached on 8 AM to 5 PM Tuesday to Friday and every other Monday.

Art Unit: 2154


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. Additionally, the fax numbers for Group 2100 are as follows:

Official Responses: (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-6121.

ksl

July 12, 2004



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100